IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1050 OF 2006

K. Anthony Paulose
& Anr. .. Petitioner.

vs.

N.C.B. & Ors. .. Respondents.

Shri N. M. Salvi for Respondent No. 1.
Smt. U.V. Kejriwal, APP., for State.

CORAM : J.N. PATEL, AND
SMT. ROSHAN DALVI, JJ.
DATE : 28th August, 2006.

P.C.

. Heard.

2. The petition is actually filed for seeking writ of habeas Corpus against the respondents to quash the criminal case pending before the NDPS Designated Judge against the petitioners. In so far as this prayer is concerned, the same cannot be granted as the petitioners will have to undergo trial before the Special Court appointed under the NDPS Act. Another grievance is about the delay. We

cannot help it as nothing is pointed out to show to us that the delay is intentional. The matter will be taken up as and when it matures. So far as seeking the writ of mandamus to appoint senior advocate to defend the accused is concerned, unless the learned advocates are willing to take over the case of the petitioners, no such relief can be granted. If the petitioners cannot afford to engage a counsel or advocate to defend them they can apply to the concerned Court for legal aid if the same is permissible in cases of offences committed under NDPS Act and on such application being made, the trial Court can pass appropriate orders in accordance with law.

3. The petition therefore, stands dismissed. The order be communicated to the petitioners by the Registrar (Judicial) through the Superintendent of Jail.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)